



Town Council Agenda Report

SUBJECT: Vacation/Abandonment

Application No., Project Name and Location: VA 7-2-00, SW 58 Avenue Road Right-of-Way Vacation, Generally located in the southwest corner of SW 58 Avenue and SW 42 Street.

CONTACT PERSON/NUMBER

Mark Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

SW 58 Avenue Road Right-of-Way Vacation

REPORT IN BRIEF:

The applicant is requesting to vacate the west half of SW 58 Avenue, for a distance of 87.58 feet at the intersection of SW 58 Avenue and SW 42 Street. The right-of-way is not needed to provide access to the adjoining multi-family or industrial properties, as they obtain access further south and east of the subject vacation of right-of-way. The road right-of-way will revert to the adjacent property owner, Summerlake Apartments, Ltd., and will provide additional open space area. Staff has received two objection letters; from the Davie Utilities Department and Florida Power and Light Co.. The objections will be mitigated by a grant of easement for the utilities. Staff therefore finds this request to be consistent with the public welfare.

PREVIOUS ACTIONS:

None

CONCURRENCES: Engineering Division recommends approval.

All utilities have indicated no objection except for FPL and Town of Davie Utilities which requires grant of easements.

The Planning and Zoning Board motion to recommend approval subject to correcting the 12' or 15' sanitary sewer easement notation on the exhibits (4-0, Motion By: Mr. Davis, Seconded By: Mr. Davenport, Mr. Stahl absent) October 25, 2000 meeting.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning Report, Justification Letter, Sketch and Description, Plat, Land Use, Subject Site, and Aerial.

Prepared By:
Geri A. Baluss
Town of Davie
6591 Orange Drive
Davie, FL 33314

Return To:
Town Clerk's Office
Town of Davie
6591 Orange Drive
Davie, FL 33314

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 58 AVENUE ADJACENT TO THE "LAKESIDE VILLAS APARTMENTS PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the right-of-way dedicated by the "Lakeside Villas Apartments Plat", specifically described on Exhibit "A" attached hereto, was accepted as a public right-of-way; and

WHEREAS, the owner of adjacent property has petitioned the Town Council to vacate and abandon said right-of-way; and

WHEREAS, The Town Council conducted a public hearing, advertised as prescribed by law on the date of adoption of this ordinance; and

WHEREAS, the Town Council did agree to such vacation, after conducting said public hearing and finding that the subject right-of-way no longer services a public purpose; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That a portion of right-of-way dedicated by the "Lakeside Villas Apartments Plat", specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. Easements located within the property described on Exhibit "A" are not vacated and shall be maintained in perpetuity.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this

Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2000.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.

LAND DESCRIPTION: (RIGHT-OF-WAY VACATION)

A portion of Tract 'A', "Lakeside Villas Apartments" as recorded in Plat Book 147, Page 9, of the public records of Broward County, Florida.

Begin at the southeast corner of said Tract 'A', thence South 88°20'38" West along the south boundary of said Tract 'A' a distance of 25.00 feet, thence North 01°40'02" East and parallel with the east boundary of said Tract 'A' a distance of 87.58 feet to an intersection with a westerly prolongation of the north right-of-way line of Southwest 42nd Street as shown on "Dave Chamber of Commerce Subdivision", according to the plat thereof as recorded in plat book 19, page 14 of the public records of Broward County, Florida, thence North 88°15'05" East along said prolongation a distance of 25.00 feet to an intersection with the east boundary of said Tract 'A', also being the east right-of-way line of Southwest 58th Avenue as shown on said "Dave Chamber of Commerce Subdivision", thence South 01°40'02" East along said east boundary a distance of 87.58 feet to the Point of Beginning.

SCALE: 1" = 20'

TRACT 13
"NEWMAN'S SUBDIVISION"
PLAT BOOK 2, PAGE 26, D.C.R.

TRACT 'A'
"LAKESIDE VILLAS APARTMENTS"
(P.B. 147, PG. 9, B.C.R.)

15' UTILITY EASEMENT PER D.C.R. 8748, PAGE 543

S.W. 42nd STREET

"DAVE CHAMBER OF
COMMERCE SUBDIVISION"
PLAT BOOK 19, PAGE 14, B.C.R.

S.W. 58th AVE.

N88°14'42"E
25.00'

15' SANITARY SEWER
EASEMENT PER
D.C.R. 8704, PAGE 484

87.54'

N01°40'02"W

(AREA 2,189.52 S.F. ±)

EAST LINE TRACT 'A'

87.58'

S01°40'02"E

NON-VEHICULAR ACCESS LINE

P.O.C.
SOUTHEAST CORNER
TRACT 'A'
"LAKESIDE VILLAS
APARTMENTS"

SOUTH LINE
OF TRACT 'A'

S88°20'38"W
25.00'

TRACT 40
"EVERGLADE LAND SALES
CO. SUBDIVISION"
PLAT BOOK 2, PAGE 34, D.C.R.

REMARKS SHOWN HEREON ARE BASED ON N01°47'14"W ALONG THE WEST LINE TRACT 'A' AS SHOWN ON "LAKESIDE VILLAS APARTMENTS" PLAT AS RECORDED IN PLAT BOOK 147, PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ABBREVIATIONS

B.C.R. = BROWARD COUNTY RECORDS
P.O.B. = POINT OF BEGINNING
R.F. = REFERENCE POINT
P.B. = PLAT BOOK
PG. = PAGE
P.O.T. = POINT OF TERMINATION

N.V.A.L. = NON-VEHICULAR ACCESS LINE

SKETCH AND DESCRIPTION

LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, EMINENT DOMAIN, OR OTHER INSTRUMENTS OF RECORD BY SUNTECH ENGINEERING, INC.

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RASSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER EAST-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.072, FLORIDA STATUTES.

DATED THIS 12th DAY OF JULY 2000

Alexander G. Pugh
ALEXANDER G. PUGH

PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA REGISTRATION NO. 4388

22445-2244

JEM No: 99-2244



Sun-Tech Engineering, Inc.

Engineering - Surveying - Planning

California Professional Surveyor License No. 10,701

1600 West University Park Boulevard
Ft. Lauderdale, FL 33311

Phone (954) 777-3123
Fax (954) 777-3111

Application #: VA 7-2-00
Lakeside Villas Apartments Plat

Revisions:

Exhibit “A”

Original Report Date: October 11, 2000

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

Applicant Information

Owner/ Agent:

Name: Summerlake Apartments, Ltd.

Address: 2937 SW 27 Avenue, Suite 303

City: Coconut Grove, FL 33133

Phone: (305) 476-8118

Background Information

Application Request: The applicant is requesting to vacate the west half of SW 58 Avenue, for a distance of 87.58 feet at the intersection of SW 58 Avenue and SW 42 Street.

Address/Location: A portion of the 4200 block of SW 58 Avenue

Land Use Plan Designation: Residential (16 du/ac)

Zoning: RM-16, Residential Multifamily District (16 du/ac)

Existing Use: Vacant land

Proposed Use: Open Space adjacent to playground and future pedestrian sidewalk easement.

Parcel Size: 0.050 (2189 square feet)

Surrounding Land Use:

North: Lake, Multi-family under construction

Item No.

South: Auto Salvage and yard
East: Auto Salvage and yard, unimproved right-of-way
West: Multi-family under construction

Surrounding Zoning:

North: RM-16
South: M-2
East: RM-16
West: RM-16

Zoning History

Related Zoning History: Town Council approved by Ordinance No. 90-4 the Davie Community Redevelopment District on February 21, 1990.

Town Council approved by Ordinance No. 98-029 a land use amendment which created the Regional Activity Center on December 18, 1998.

Previous Requests on the adjacent Lakeside Villas Apartments II Plat: The subject plat was recorded by Broward County on February 15, 1991, Plat Book 147, Page 9 of the Broward County records.

Town Council approved a site development plan to construct 108 affordable multi-family units on November 17, 1999.

Town Council approved by Resolution No. 2000-39 on March 1, 2000 a delegation request to delete a non-vehicular access line extending from the north right-of-way line of SW 42 Street, north a distance of 75 feet.

Development Plan Details

The subject property abuts a 21.3 acre gated multi-family development consisting of three story buildings providing a total of 108 units. The vacated right-of-way will be incorporated into the overall site plan for the project as a tot lot and pedestrian path. Also provided on the site is a recreational facility together with a swimming pool, drive aisles and landscaping.

Summary of Significant Development Review Agency Comments

The Engineering Department recommended approval of the subject request. Staff received letters of no objection from all utilities except for Town Utilities Department and FP&L, which will record easements pending the right-of-way vacation by the Town.

Applicable Codes and Ordinances

Land Development Code Section 12-310(B)(1) requires that Town Council must review and approve vacations and abandonments by Ordinance.

Item No.

Comprehensive Plan Considerations

Planning Area: The proposed project is within Planning Area 8 characterized by older, small-scale commercial development, older single family residential neighborhoods, and newer large-scale multi-family residential developments that serve the South Florida Educational Center.

Flexibility Zone: The proposed plat is in Flexibility Zone 98.

Concurrency Considerations: The subject site is located within Parcel A of the “Lakeside Villas Apartment Plat” with a note restricting the plat to 180 garden apartments.

Applicable Goals, Objectives & Policies: None

Staff Analysis

The right-of-way is not needed to provide access to Tract “A” of the “Lakeside Villas Apartments Plat” as the subject right-of-way will be absorbed by this parcel to accommodate the proposed multi-family development. Access for the project is provided from SW 61 Avenue to the west and from an 80’ opening located 275’ from the east limits of the subject development. Road right-of-way will revert to Summerlake Apartments Ltd. and will provide additional open space.

Findings of Fact

Subsections 12-310(A)(1)(a)&(b) require that review of vacation of right-of-way requests be based upon whether or not the request adversely affects access to neighboring properties and whether it will be in conflict with the public interest. Based upon this code requirement, staff finds that this request does not adversely affect adjoining properties as access is provided from either SW 61 Avenue or from SW 57 Terrace or SW 57 Avenue, and will not be contrary to the public interest.

Staff Recommendation

Recommendation: Based upon the above and the findings of fact in the positive, staff recommends approval of application number VA 7-2-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board motion to recommend approval subject to correcting the 12’ or 15’ sanitary sewer easement notation on the exhibits (4-0, Motion By: Mr. Davis, Seconded

Item No.

By: Mr. Davenport, Mr. Stahl absent) October 25, 2000 meeting.

Exhibits

Resolution, Justification Letter, Plat, Proposed Site Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: ____

Reviewed by: ____



Engineers • Planners • Surveyors

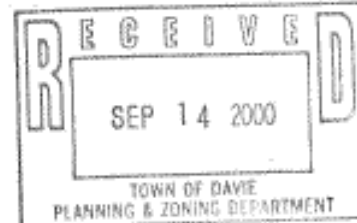
Sun-Tech Engineering, Inc.

1600 West Oakland Park Boulevard
Fort Lauderdale, FL 33311
(954) 777-3123 / Fax (954) 777-3114
E-mail: suntech@suntechengineering.com

July 31, 2000

RE: Summerlake Apartments
Engineer's Project No. 98-2244

Geri A. Baluss
Development Services Department
Planning & Zoning Division
Town of Davie
6591 Orange Drive
Florida, 33314



Dear Geri:

Please accept the following application for a proposed right-of-way vacation relating to the Summerlake Apartments project. The right-of-way being a portion of SW 58th Ave is located approximately in the center of the aforementioned project. SW 58th Ave. at this location is not open for public use and the developer would like to incorporate said portion into the development.

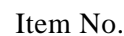
Please call me if you have any questions or require further information.

SUN-TECH ENGINEERING, INC.

Alexander (Sandy) Duchart, P.S.M.
Project Manager

PWT Book # _____, Page _____

1000



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(P.B. 147, PG. 9, B.C.R.)

15' SANITARY SEWER
EASEMENT PER
O.R.B. 6794, PAGE 484

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(AREA 2.189 SQ. FT. ±)

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NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

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SUN-TECH Sun-Tech Engineering, Inc.
Engineering - Surveying - Planning
Certificate of Authorization Number 18 7018
2600 West Oakland Park Boulevard Phone (954) 777-3123
Ft. Lauderdale, FL 33311 Fax (954) 777-3114

DATED THIS 12th DAY OF JULY 2000

Alexander G. Lucher
ALEXANDER G. LUCHER
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA REGISTRATION No. 9388

274612-2000
JOB No: 95-2244

PROPOSED RIGHT-OF-
WAY VACATION

6.3

9547779114

Sun-Teach Eng.

00:26:00 02:05p

Item No.

SUBJECT SITE

REGIONAL ACTIVITY CENTER

SW 43rd St

SW 44th St

SW 44th Ct

S.W. 42nd Ct.

S.W. 42nd Pl.

S.W. 43rd St.

S.W. 44th St.

S.W. 44th Ct.

S.W. 58th Ave.

S.W. 57th Terr.

S.W. 57th Ave.

Orange Dr.

RECREATION / OPEN SPACE

SOUTH NEW RIVER CANAL

Griffin Rd.

PETITION NUMBER

VA 7-2-00

Subject Site Area

Future Land Use Plan

N

4

PREPARED 8/7/00
BY THE PLANNING &

Scale: 1"=200'

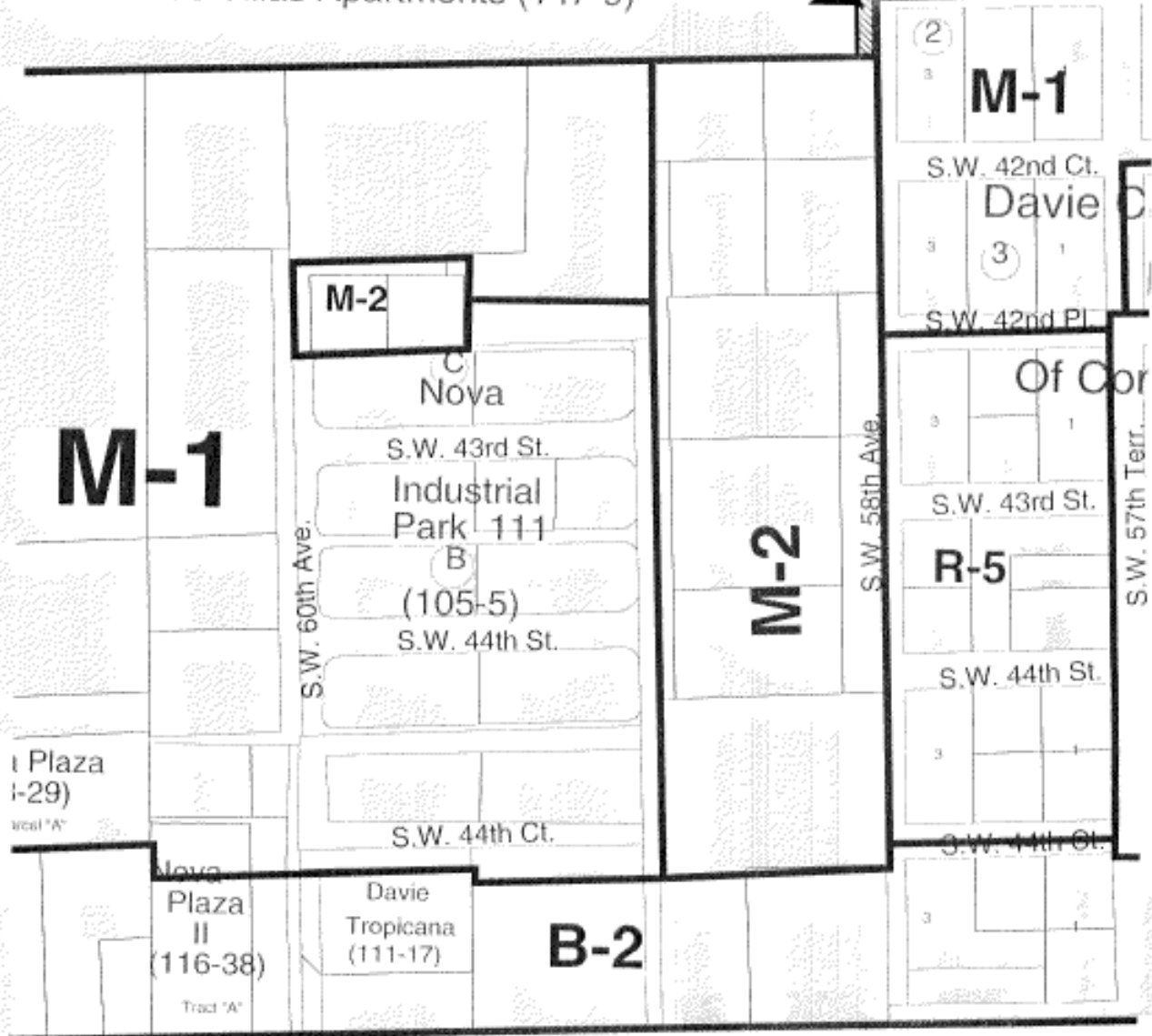
ZONING DIVISION

Lake

RM-16

SUBJECT SITE

Lakeside Villas Apartments (147-9)



SOUTH NEW RIVER CANAL

Griffin Rd.

PETITION NUMBER

VA 7-2-00

Subject Site Area Zoning Map

PREPARED 8/7/00

Scale: 1"=200'

BY THE PLANNING &
ZONING DIVISION

